



**SUPREME COURT OF CALIFORNIA  
ORAL ARGUMENT CALENDAR  
SAN FRANCISCO SESSION  
MAY 26 and 27, 2016**

**FIRST AMENDED**

The following cases are placed upon the calendar of the Supreme Court for hearing at its courtroom in the Ronald M. George State Office Complex, Earl Warren Building, 350 McAllister Street, Fourth Floor, San Francisco, California, on May 26 and 27, 2016.

**THURSDAY, MAY 26, 2016 — 9:00 A.M.**

- (1) City of Montebello v. Vasquez (Rosemarie) et al.  
(Arakelian Enterprises, Inc.), S219052
- (2) City of Perris v. Stamper (Richard C.) et al., S213468
- (3) McLean (Janis S.) v. State of California et al., S221554

**1:30 P.M.**

- (4) People v. Vidana (Juanita), S224546
- (5) People v. Simon (Richard Nathan) [Automatic Appeal], S102166
- (6) People v. Grimes (Gary Lee) [Automatic Appeal], S076339

**FRIDAY, MAY 27, 2016 — 9:00 A.M.**

- (7) Laffitte (Mark) et al. v. Robert Half International Inc., et al.  
(David Brennan), S222996
- (8) Maas (Michael Eugene) v. Superior Court of San Diego County  
(People), S225109  
*(To be called and continued to the September 2016 calendar.)*
- (9) People v. Moran (Jeffrey Michael), S215914
- (10) People v. Nelson (Sergio Dujuan) [Automatic Appeal], S048763

**1:30 P.M.**

- (11) People v. Burgener (Michael Ray) [Automatic Appeal], S179181
- (12) People v. Rodriguez (Adam Sergio), S223129

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CANTIL-SAKAUYE  
*Chief Justice*

If exhibits are to be transmitted to this court, counsel must apply to the court for permission.  
(See Cal. Rules of Court, rule 8.224(c).)

**SUPREME COURT OF CALIFORNIA  
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The following case summaries are issued to inform the public about cases that the California Supreme Court has scheduled for oral argument and of their general subject matter. In most instances, the descriptions set out below are reproduced from the original news release issued when review in each of these matters was granted and are provided for the convenience of the public. The descriptions do not necessarily reflect the view of the court or define the specific issues that will be addressed by the court.

**THURSDAY, MAY 26, 2016 — 9:00 A.M.**

(1) ***City of Montebello v. Vasquez (Rosemarie) et al. (Arakelian Enterprises, Inc.), S219052***  
#14-92 City of Montebello v. Vasquez (Rosemarie) et al. (Arakelian Enterprises, Inc.),  
(B245959; 226 Cal.App.4th 1084; Superior Court of Los Angeles County; BC488767.) Petition  
for review after the Court of Appeal affirmed an order denying a special motion to strike in a  
civil action. This case presents the following issue: Did votes by city officials to approve a  
contract constitute conduct protected under Code of Civil Procedure section 425.16 despite the  
allegation that they had a financial interest in the contract?

(2) ***City of Perris v. Stamper (Richard C.) et al., S213468***  
#13-98 City of Perris v. Stamper (Richard C.) et al., S213468. (E053395; 218 Cal.App.4th  
1104; Superior Court of Riverside County; RIC524291.) Petition for review after the Court of  
Appeal reversed the judgment in a civil action. This case presents the following issues: (1) In  
this eminent domain case, was the constitutionality of the dedication requirement — that the city  
claimed it would have required in order to grant the property owner permission to put the  
property to a higher use — a question that had to be resolved by the jury pursuant to article I,  
section 19, of the California Constitution? (2) Was the dedication requirement a “project effect”  
that the eminent domain law required to be ignored in determining just compensation?

(3) ***McLean (Janis S.) v. State of California et al., S221554***  
#14-136 McLean (Janis S.) v. State of California et al., S221554. (C074515; 228 Cal.App.4th  
1500; Superior Court of Sacramento County; 34-2012-00119161-CU-OE-GDS;) Petition for  
review after the Court of Appeal affirmed in part and reversed in part the judgment in a civil  
action. This case presents the following issues: (1) When bringing a putative class action to

recover penalties against an “employer” under Labor Code section 203, may a former state employee sue the “State of California” instead of the specific agency for which the employee previously worked? (2) Do Labor Code sections 202 and 203, which provide a right of action for an employee who “quits” his or her employment, authorize a suit by an employee who retires?

**1:30 P.M.**

**(4) *People v. Vidana (Juanita)*, S224546**

#15-39 *People v. Vidana (Juanita)*, S224546. (G050399; 233 Cal.App.4th 666; Superior Court of Riverside County; RIF1105527.) Petition for review after the Court of Appeal affirmed in part and reversed in part a judgment of conviction of criminal offenses. This case presents the following issue: Can a defendant be convicted of both embezzlement (Pen. Code, § 503) and grand theft by larceny (Pen. Code, § 487(a)) for the same conduct?

**(5) *People v. Simon (Richard Nathan)*, S102166** [Automatic Appeal]

This matter is an automatic appeal from a judgment of death.

**(6) *People v. Grimes (Gary Lee)*, S076339** [Automatic Appeal]

This matter is an automatic appeal from a judgment of death.

**FRIDAY, MAY 27, 2016—9:00 A.M.**

**(7) *Lafitte (Mark) et al. v. Robert Half International Inc., et al.*, S222996**

#15-15 *Lafitte (Mark) et al. v. Robert Half International Inc., et al.*, S222996. (B249253; 231 Cal.App.4th 860; Superior Court of Los Angeles County; BC321317. Petition for review after the Court of Appeal affirmed the judgment in a civil action. This case presents the following issue: Does *Serrano v. Priest* (1977) 20 Cal.3d 25 permit a trial court to anchor its calculation of a reasonable attorney’s fees award in a class action on a percentage of the common fund recovered?

**(8) *Maas (Michael Eugene) v. Superior Court of San Diego County (People)*, S225109** *(To be called and continued to the September 2016 calendar.)*

#15-29 *Maas (Michael Eugene) v. Superior Court of San Diego County (People)*, S225109. (D064639; 232 Cal.App.4th 169; Superior Court of San Diego County; SCE185960,

SCE188460.) Review ordered on the court's own motion after the Court of Appeal granted a petition for peremptory writ of mandate. This case presents the following issue: Does Code of Civil Procedure section 170.6 permit a peremptory challenge to be asserted, before an order to show cause has issued, against a judge who is assigned to assess a petition for writ of habeas corpus?

(9) ***People v. Moran (Jeffrey Michael), S215914***

#14-35 *People v. Moran (Jeffrey Michael), S215914*. (H039330; nonpublished opinion; Superior Court of Santa Clara County; C1243366.) Petition for review after the Court of Appeal modified and affirmed a judgment of conviction of a criminal offense. This case presents the following issue: Was the condition of probation barring defendant from all Home Depot stores and their parking lots after he was convicted of shoplifting at a single Home Depot store unconstitutionally overbroad as impinging on his constitutional right to travel?

(10) ***People v. Nelson (Sergio Dujuan), S048763*** [Automatic Appeal]

This matter is an automatic appeal from a judgment of death.

**1:30 P.M.**

(11) ***People v. Burgener (Michael Ray), S179181*** [Automatic Appeal]

This matter is an automatic appeal from a judgment of death.

(12) ***People v. Rodriguez (Adam Sergio), S223129***

#15-20 *People v. Rodriguez, S223129*. (H038588; 231 Cal.App.4th 288; Superior Court of Santa Clara County; C1110340.) Petition for review after the Court of Appeal modified and affirmed a judgment of conviction of a criminal offense. This case presents the following issue: When the prosecution refiled charges after defendant's motion to suppress evidence was granted and the case was dismissed, did the trial court err in refusing to assign a subsequent suppression motion to "the same judge who granted the [prior] motion" in accordance with Penal Code section 1538.5, subdivision (p), on the ground the prior judge was not "available" to hear the motion when he was then sitting in a different courthouse?